



Appeal Decision

Site visit made on 6 June 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2022

Appeal Ref: APP/L3625/W/21/3283840

Tattenham Crescent, Epsom Downs, Surrey KT18 5QJ (Easting 522762, Northing 158223)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd (Hutchinson 3G UK Ltd) against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/01500/TED, dated 28 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Because this is an application for prior approval, the provisions of the Order require the local planning authority to assess the proposed installation having regard to its siting and appearance, taking into account any representations received. I have determined the appeal on this same basis.
3. The appellant contends that the equipment cabinets are permitted development¹. I am, though, not convinced that there is a greater than theoretical possibility that these would be installed on their own and the proposal relates to the whole installation. The submitted plans and details of the cabinets are provided to give context to the monopole. In addition, the description of the development on the application form, Council's decision notice and the appeal form has not been altered. I have, therefore, made my decision on the basis of the whole installation and this original description.
4. The principle of the development is established by the Order and its provisions do not require regard to be had to the development plan. In error, the Council's reason for refusal includes reference to Policy NHE1 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP). This policy refers to 'landscape protection'. Both main parties state that the site is not in, or near, a protected or designated landscape and there is no compelling evidence to the contrary. DMP Policies DES1 and INF3 refer to matters relevant to siting and appearance of development, including telecommunications. The National

¹ Under Schedule 2, Part 16, Class A of the Order

Planning Policy Framework (NPPF) includes sections in support of high quality communications and achieving well-designed places. I acknowledge these policies only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are:

- the effect of the siting and appearance of the proposed installation on the character and appearance of the area; and
- if any harm would be caused, whether this is outweighed by the need to site the installation in the location proposed, taking into account any suitable alternatives.

Reasons

6. The proposal is for a new installation comprising a 20m monopole, with antennas and transmission dishes, and four equipment cabinets between 0.95m and 1.75m high, one enclosing the base of the monopole. It is primarily needed to alleviate congestion and improve coverage in the appellant's existing 4G mobile telecommunications network. It would also remedy a gap in coverage for the appellant's 5G network. Although innately utilitarian in design, the installation is representative of this type and uses the smallest practical components and dimensions required to meet all of these multiple objectives.

Character and appearance

7. The appeal site is in a grassed public open space (POS). The POS includes a small stand of mature trees, a bench seat and is crossed by paths. There are some streetlighting columns, road pole signs and bollards around its perimeter. It faces the junction of three roads on one side (Tattenham Crescent, Great Tattenhams and Downland Way) on a local, gently elevated knoll of land. Behind the POS is a service road and a parade of mainly shops, with some pavement tables and seating, and two floors of flats above. These streetscenes also include similar parades of commercial and residential buildings, rows of large 2-storey houses and roadside trees. There is a variety of street furniture such as streetlighting columns, telegraph poles, road pole signs, bus shelters, controlled pedestrian crossing points, litter bins, a post box, bollards, cycle stands and small roadside equipment cabinets.
8. The verdant, mainly open and undeveloped nature of the POS gives a spacious feel to this junction and provides an attractive landscape setting in front of the shopping parade. It is also a focal point in short and some longer distance public views on the approach along these roads and in the local area, giving the impression of a village green in otherwise suburban surroundings. The POS is used informally as a place to sit, to meet people or for children's play as well as organised community events. It is locally valued and distinctive for these reasons and has a significant positive effect on the character and appearance of the area, including as a place to live or visit.
9. Despite a reasonably wide diameter, the simple vertical profile of the lower part of the monopole shaft and its fir green colour would be seen next to, behind or in front of the trees in the POS, even when not in leaf and, to a lesser effect, the nearby streetlighting columns and road pole signs. While this part of the

monopole would, therefore, still be evident, especially in shorter distance public views, it would nonetheless be generally well assimilated in this context.

10. However, the tapering upper section of the shaft would be appreciably higher and tower above even the trees by about 6m to 8m. In particular, the tallest and widest, thus most noticeable, approximately 5m top part (supporting the antennas and dishes) would clearly breach the broadly uniform visual horizon of the tree canopies and protrude upwards, including beyond the general panorama and outline of adjacent or nearby buildings. While some degree of vertical separation or other clearance to potential obstructions is required to avoid interference, and despite its colour, this most bulky and conspicuous part of the monopole would nevertheless be overly dominant and unduly prominent. Such an imposing and isolated structure would appear incongruous in this context and appreciably detract from public views.
11. The cabinets would be broadly similar to each other in appearance and sited in a row behind the pavement. There would be limited visual impact in narrow, end on views. They would occupy a small part of the POS, along one edge, and as such while they would be seen, their presence would not unduly hinder or depreciate informal and formal public use of the vast majority of the POS.
12. However, while parked vehicles in the service road would sometimes obscure the cabinets, and notwithstanding a fir green colour, their appreciable height and combined profile would be in plain sight in side on views from the pavement in front of the shopping parade and outdoor seating area. Although set back further from the junction, the overall scale, massing and profile of this block of cabinets above ground level would be evident in lateral views from within or across the POS, underneath the tree canopies. Despite background buildings, the cabinets would cause discernible clutter within the POS and unduly erode its openness.
13. Taking all of the above into account, I find that by virtue of the height and bulk of the upper part of the monopole and the associated position, extent and design of the cabinets, the siting and appearance of the proposed installation would cause unacceptable harm to the character and appearance of the area.

Alternative sites

14. The preferred 'nominal' location for the proposed installation is too close to a school and some houses. Other potential locations, including those referred to by the Council or interested parties, were either too close to housing or had technical constraints, such as proximity to other mobile phone cells and interference or inadequate coverage. Search areas in urban locations are likely to be extremely constrained and, in particular, a 5G cell operates over a relatively small radius. There is no suitable closer site, than the appeal site, to the nominal location that would meet all of the appellant's objectives.
15. While the Council considered that 'limited' information in these respects was provided at application stage, it has not disputed that evidence and as maintained by the appellant in the appeal. Notwithstanding interested party comments, which are largely anecdotal, there is no compelling or objective evidence to the contrary. I therefore have no reason to reach a different view.

Other Matters

16. Reference has been made to various social and economic benefits of the proposal. These have effectively already been recognised by the grant of permission under Article 3(1). Consequently, I have not taken these into account in considering prior approval and the matters of siting and appearance.
17. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the NPPF advises that health safeguards are not something which a decision-maker should determine. I appreciate that there are a number of interested party concerns in this regard, but there is no evidence to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified in this case.
18. The site is not in a Conservation Area (or setting), in a Green Belt or in the countryside. There is no objective evidence that the installation would cause harm to trees or wildlife habitat in the POS. The effect of development on property values and private views are not relevant to my decision. The installation would be seen by the occupiers of the flats in the shopping parade, especially the upper part of the monopole. However, it would not be so close as to materially reduce daylight or be unduly overbearing in outlook and other dwellings are significantly further away. The cabinets would not restrict pedestrian movement along pavements or the paths in the POS, even during maintenance works, or restrict sightlines for road users.
19. Some interested parties have referred to a previous proposal for a telecommunications development in a similar position, but no specific details have been given. The Council has referred to a previous decision² it made to refuse permission for a 13.8m monopole, including antennas and cabinets. Though nearby this was a materially different proposal and site and the decision was made under a previous national and local planning policy context and a different Order. It is not comparable to the current proposal and I have, in any event, considered the appeal on its individual planning merits.

Planning Balance and Conclusion

20. I have assessed the siting and appearance of the proposal mindful that it is permitted development and has been accepted in principle. It would meet a need to site the installation in this location and there is no more suitable and reasonably available alternative site for it within the relevant search area. I give considerable weight to these matters in support of the proposal. However, the installation would cause unacceptable harm to the character and appearance of the area. I give substantial weight to this consideration and it is a determining factor against the proposal. Accordingly, the benefits would not outweigh the harm.
21. For the reasons set out above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR

² P/10/00458/TED